

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2129.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	May 12, 2004
DATE OF REPORT:	June 1, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 18, 2004

COMPLAINT ISSUES:

Whether the Madison-Grant United School Corporation and the Grant County Special Education Cooperative violated:

511 IAC 7-25-5(c) by failing to respond within 10 business days to a parent's request for an independent educational evaluation (IEE).

FINDINGS OF FACT:

1. The Student is 10 years old and is eligible for special education and related services due to a learning disability.
2. The Student's prior educational evaluation was conducted in December of 2002. There is no record of the Parent's disagreement with that evaluation. As of the date the Complaint was filed, the School had conducted no additional evaluations of the Student since December, 2002.
3. The Student's Case Conference Reports and Individual Education Programs (IEPs) dated December 17, 2002, and March 17, 2003, reflect the Parent's continuing concerns about the Student's reading skills. In October of 2003, the Parent brought these concerns to the attention of the local director of special education (Director). Neither the Parent nor the Director recalls speaking specifically about evaluation(s) in the fall of 2003.
4. On March 18, 2004, the Student's case conference committee (CCC) met to develop, review, and revise the Student's IEP. As the Student's triennial reevaluation was due December 7, 2004, the CCC reviewed existing data and developed a plan for reevaluation. On March 18, 2004, the Parent signed the Re-evaluation Planning Report, indicating agreement that the additional data needed for instructional planning consists of normative assessment of intelligence and achievement.
5. Subsequently, the Parent spoke to the Director about an independent educational evaluation (IEE). On April 9, 2004, the Director received the Parent's letter confirming the Parent's understanding that the Director had agreed to IEE at public expense.
6. Upon receiving the Parent's letter, the Director contacted the Parent to discuss possible independent evaluators. The Parent wished to obtain recommendations from the Student's physician. On April 22, 2004, the Parent left a message for the Director, notifying the Director of the independent evaluator whom the Parent had selected. On April 26, 2004, both the Director and the Coordinator of Special

Education for the school corporation called the Parent regarding the IEE. The School's offer to pay for an IEE was not confirmed in writing before May 4, 2004.

7. By letter dated May 4, 2004, the Director notified the independent evaluator that an IEE was authorized. A copy of this letter was sent to the Parent. The IEE is scheduled to begin June 8, 2004. The additional evaluations by school personnel are also underway.

CONCLUSION:

1. Although Findings of Fact #5, and #6 indicate that the School responded in writing more than 10 business days after the Parent's request for an independent educational evaluation (IEE), Findings of Fact #2, #3, and #4 indicate that the Parent did not disagree with the School's prior or planned evaluation. Under 511 IAC 7-25-5(b), a parent has the right to obtain public funding for an IEE only after the School's completion of an educational evaluation with which the parent disagrees. Therefore, because 511 IAC 7-25-5(b) does not apply, no violation of 511 IAC 7-25-5(c) occurred. Further, Finding of Fact # 7 indicates that, if a violation had occurred, corrective action was taken prior to the filing of the Complaint.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.